

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIRGIN MOBILE USA, LLC,

Plaintiff,

v.

VAN LOC DEALER, *et al.*,

Defendants.

Case No. C06-1039RSL

ORDER STRIKING
DISCOVERY MOTION

This matter comes before the Court on plaintiff's Motion for Leave to Conduct Expedited Discovery (Dkt. #6). Plaintiff moves the Court for an order allowing it to obtain expedited discovery to support its planned motion for injunctive relief.

Plaintiff argues that it has an immediate need for relief. Although there are mechanisms to obtain immediate injunction relief, plaintiff has not sought that relief in this motion. Instead, it has sought expedited discovery, which the Court is reluctant to grant on an ex parte basis. Plaintiff has not filed proof that it has served its complaint or its motion for discovery on the defendants. Accordingly, the motion is STRICKEN.

Plaintiff may refile its motion, but, under the circumstances, defendants must be allotted additional time to respond. Plaintiff seeks extensive discovery from defendants including requests for production, requests for inspection, and a 30(b)(6) video deposition in a very short time frame. For those reasons, in addition to the fact that the complaint was just filed on July

1 24, 2006, and the apparent absence of pre-filing discussions between the parties, defendants
2 should have the benefit of the twenty-day answer period to review the filings and attempt to
3 obtain counsel prior to responding to the discovery motion. After plaintiff serves the complaint
4 and the motion, it may file a notice to rene the motion¹ for a date that is no earlier than seven
5 judicial days after service of the motion and no earlier than twenty days after service of the
6 complaint.

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8 DATED this 26th day of July, 2006.

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12 Robert S. Lasnik
13 United States District Judge
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25 ¹ Plaintiff need not refile the motion papers. Instead, it can file a notice to rene the
26 motion and state in the notice that it seeks to rene its motion for leave to conduct expedited
27 discovery (Dkt. #6). The notice should include proofs of service if they were not previously
28 filed.